

**COURT OF APPEALS
DECISION
DATED AND FILED**

May 7, 2013

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2012AP1678

Cir. Ct. No. 2009FA557

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

IN RE THE MARRIAGE OF:

ROSANNE LOUISE COOK,

PETITIONER-APPELLANT,

V.

RODNEY WARREN COOK,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for St. Croix County:
EDWARD F. VLACK III, Judge. *Affirmed.*

Before Hoover, P.J., Mangerson, J., and Thomas Cane, Reserve
Judge.

¶1 PER CURIAM. Rosanne Cook, pro se, appeals a postdivorce order denying her petition for waiver of transcript fees concerning the preparation for appeal of the voluminous transcripts from her divorce action. We affirm.

¶2 Rosanne and Rodney Cook were married in June 1994 and divorced in December 2010. A temporary order was signed by the Family Court Commissioner on December 29, 2009. Between May 18, 2010, and the final divorce hearing on December 13, 2010, at least seven motion hearings were held, addressing numerous issues concerning discovery, contempt, sanctions, payment of taxes, and appraisals, among other things. At the conclusion of the final hearing on December 13, 2010, a judgment of divorce was granted and the matter was set for an oral decision on December 27.

¶3 In the circuit court's December 27, 2010 oral decision, certain property division issues were decided and maintenance issues were left open. Another hearing was set to address remaining disputed issues. Rosanne filed a motion for a mistrial that the circuit court construed as a motion for reconsideration and set for a hearing on February 11, 2011.

¶4 The circuit court then held approximately seven more hearings between February 11 and August 15, 2011. During this time, both parties began representing themselves. The court issued a Decision and Order on December 9, 2011, finalizing property division on an approximately equalized basis, and awarding \$350 monthly maintenance to Rosanne. At this time, the court also found that Rodney "created problems with the personal property by setting up Ms. Cook and removing items from the house." The court noted that Rosanne "reacted as one would expect but subsequently created issues of her own

credibility.” The court also noted the parties submitted financial information that was confusing and self-serving.

¶5 On January 10, 2012, Rosanne filed an appeal of the circuit court’s December 9, 2011 Decision and Order. *Cook v. Cook*, No. 2012AP89. Rosanne subsequently filed a petition for waiver of transcript fees. After a *Girouard*¹ hearing, the circuit court denied the petition on July 5, 2012. Rosanne now appeals the July 5 order.²

¶6 By order dated November 20, 2012, we struck Rosanne’s appellate brief for its substantial noncompliance with the appellate rules. Among the brief’s deficiencies was the failure to include record citations.³ We sua sponte extended the time for Rosanne to file her brief in compliance with the rules.

¶7 By order dated December 10, 2012, we struck Rosanne’s resubmitted brief for again failing to substantially comply with appellate rules, including the lack of any citation to the record on appeal. Nevertheless, we once again sua sponte extended the time to file her appellate brief. We specifically admonished Rosanne that if she failed to timely file a substantially conforming brief, the appeal would be dismissed.

¹ Referring to *State ex rel. Girouard v. Jackson County Circuit Court*, 155 Wis. 2d 148, 454 N.W.2d 792 (1990).

² By Order dated August 1, 2012, we tolled the appeal in No. 2012AP89 pending resolution of the present appeal, No. 2012AP1678.

³ Rosanne concedes her appeal cannot be successfully prosecuted without a transcript of the proceedings.

¶8 Rosanne’s brief now once again fails to include any citation to the record. We could therefore summarily dismiss the appeal on that basis alone. *See* WIS. STAT. RULE 809.83(2).⁴

¶9 However, Rosanne’s appeal suffers from further deficiencies. Her arguments are undeveloped and fall below even the liberal threshold for a pro se appellant. In fact, Rosanne’s arguments are difficult to even discern. In any event, we decline to search the record for evidence to support a party’s arguments, and Rosanne’s arguments will not be further considered. *See M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988) (We will not consider undeveloped and unsupported arguments.).

¶10 Rosanne also alleges circuit court bias, but argues that “[w]ithout the requested transcripts, Rosanne Cook cannot provide proper explanations, regarding statements, questions, and requested information by the Trial Court.” In the present appeal, Rosanne also extensively argues the merits of the underlying divorce action, and alleges that without the transcripts, “the above issues cannot be properly addressed in Appeal 2012AP000089.”

¶11 Rosanne’s present appeal, No. 2012AP1678, seeks review of the circuit court’s July 5, 2012 order denying free transcripts. We note in this regard that by Order dated July 30, 2012, we waived Rosanne’s filing fees in this court, but we specifically advised Rosanne that it was not a determination of indigency for any other purpose. By order dated August 8, 2012, we also advised Rosanne that to the extent she may have believed this court’s waiver of its filing fee should

⁴ References to Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

translate to a waiver of the transcript fees concerning appeal No. 2012AP89, she was mistaken. The appellant must ensure a complete record for the issues on review. Missing material is assumed to support the circuit court's decision. *See Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993).

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.

